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COMMISSION ON HUMAN RIGHTS
Sub-Commission on the Promotion
and Protection of Human Rights
Fifty-fourth session
Item 3 of the provisional agenda

ADMINISTRATION OF JUSTICE

Written statement*submitted by Pax Christi International, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[5 July 2002]

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*This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE. *0020143 16*

ENG

Human Rights Violations in Papua

Pax Christi International wishes to draw your attention to the climate of impunity, violations of human rights of the community, human rights defenders and political activists in the province of Papua, Indonesia.

According to Amnesty International, the investigation conducted by the Indonesian National Commission on Human Rights (Komisi Nasional Hak Asasi Manusia-Komnas HAM) into the events of July 1998 in Biak confirmed that human rights violations took place in Biak, but despite a recommendation that a complete investigation be carried out, no further action has been taken by the authorities. Following the events of 6 October 2000 in Wamena, two members of Komnas HAM visited the town. The report of the visit of Komnas-HAM has still not been made public. No member of the security forces has been brought to justice for committing violations in Biak or Wamena. A similar situation of impunity exists in the case of human rights violations in other security force operations, including those in Merauke (July 1999); Timika (December 1999); Nabire (February and March 2000); Merauke (February 2000); Sorong (August 2000); Fakfak (December 2000); Merauke (November and December 2000) and Manokwari (May 2001). In Wasior Sub-District, Manokwari District, over 150 people were reported to have been arbitrarily detained, and/or tortured, at least one person is known to have died in police custody and an unknown number of people unlawfully killed or "disappeared," during the course of operations led by the Police Mobile Brigade (Brimob) in the second half of 2001. A total of 26 of those detained have been charged with various offences. There are serious concerns about the fairness of their trials, including concerns over the irregularities in arrest and detention procedures and allegations that the defendants were tortured while in pre-trial detention.

Pax Christi International also wishes to draw attention to the harassment of human rights defenders in Papua who are involved in investigating and publicising these incidents and other cases of human rights abuse. In early September 2000, the Director of the Jayapura based Institute for Human Rights Study and Advocacy (ELSHAM) was summoned for interrogation by the police and security forces. Two days later, two of ELSHAM's staff were summoned for a 'discussion' with police about their work to document the December 2000 Abepura incident. The ELSHAM Director and other staff have received death threats. While Pax Christi International does not take any specific stand on the issue of Papuan self-determination we raise serious concerns about the concerted targeting of political activists for harassment and intimidation. Many political activists in Papua believe, based on documented evidence, that the murder of the Chairman of the Papua Council Presidium, Chief Theys Hiyo Eluay in November 2001 was not an isolated case but was executed with careful planning and coordination. They fear that other political activists will suffer a similar fate as that of Mr. Eluay in order to curb political activity in Papua.

Pax Christi International urges the Sub-Commission on the Promotion and Protection of Human Rights to remind the Indonesian Government of its responsibility to protect human rights defenders as spelled out in Article 2.1 of the UN Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms (Declaration on Human Rights Defenders).

Each failure to bring perpetrators of human rights violations to justice reinforces the confidence of perpetrators that they are indeed above the law. This connection was explicitly recognised by the United Nations Committee against Torture in November 2001 when it examined Indonesia's first periodic report on the implementation of the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. In its concluding remarks, the Committee

expressed concern about a climate of impunity in Indonesia, "advanced in part because of the fact that there has been little progress in bringing to trial members of the military, the police or other state officials, particularly those holding senior positions, who are alleged to have planned, commanded and/or perpetrated acts of torture and ill-treatment."1

Pax Christi International, therefore calls upon the Sub-Commission to:

- Recognise the grave human rights situation in Papua by adopting a resolution condemning these violations and calling upon the Indonesian authorities to take immediate steps to prevent them.

- Urge the Indonesian government to end impunity by bringing the perpetrators of human rights violations to justice, both for past and current human rights violations in Papua.

- Urge the Indonesian government to take steps to ensure that the right to freedom of expression is respected throughout Indonesia, including Papua.

- Urge the Indonesian government to take all necessary measures to ensure the protection of human rights defenders from all human rights violations, by conducting immediate, effective and impartial investigations into human rights violations, threats and other forms of harassment against human rights defenders in Papua and instituting an impartial and independent inquiry into the murder of Theys Eluay.

- Urge the Indonesian government to implement, without further delay, the recommendations of the UN Committee against Torture and of other UN human rights mechanisms and bodies.

- Urge the Indonesian government to issue invitations to the Special Rapporteur on torture, the Special Rapporteur on extrajudicial executions and the Special Representative on human rights defenders to visit Papua.

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1 Conclusion and Recommendations of the Committee against Torture-Indonesia. Twenty-Seventh session 12-13 November 2001, CAT/C/XXVII/Concl.3, 22 November 2001.